

SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than \$1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 803. DEFINITIONS.

In this title:

(1) **BASCULE GATES.**—The term “bascule gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) **CITY.**—The term “City” means the city of Dickinson, North Dakota.

(3) **DAM.**—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) **LAKE.**—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 804. FORGIVENESS OF DEBT.

(a) **IN GENERAL.**—The Secretary shall accept a 1-time payment of \$300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) **OWNERSHIP.**—Title to the Dam and bascule gates shall remain with the United States.

(c) **COSTS.**—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of \$15,000. The Secretary shall be responsible for all other costs.

(d) **WATER SERVICE CONTRACTS.**—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

Amend the title so as to read “An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.”.

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate

agree to amendments of the House with respect to each of these measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO THE MAGNUSON-STEVENS FISHERIES CONSERVATION AND MANAGEMENT ACT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5461, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5461) to amend the Magnuson-Stevens Fisheries Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on H.R. 5461, the Shark Finning Prohibition Act, legislation to begin, and I stress the word begin, to ensure the conservation of sharks, including addressing the causes and consequences of shark finning.

First, I want to recognize Ms. SNOW, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, and Mr. KERRY, ranking member of the subcommittee, for putting shark conservation legislation on the committee agenda this Congress. My colleagues recognized the substantial danger international fleets pose to sharks around the world, either as a result of direct harvest, high bycatch, or practices such as shark finning. As with so many of our highly migratory and protected species, we cannot hope to address these threats solely through domestic action.

We are here today because of the growing threats to shark populations, which are particularly vulnerable to harvest and bycatch mortality. Most attention has been focused specifically on the practice of shark finning, which has increased dramatically over the past decade, driven by rising demand for fins in the world market. However, there are other threats to shark conservation, including directed shark fisheries and the use of non-selective fishing gear, that must be given further attention, both here and abroad. In addition, the amount of finning done by U.S. fishermen pales by comparison to the amount of finning done by foreign fleets outside of U.S. waters. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. In 1998, the National Marine Fisheries Service estimated that 120 metric tons of shark fins were landed in Hawaii that had been caught by foreign vessels, with a value between

\$2,376,000 and \$2,640,000. That is roughly four times the amount landed by U.S. vessels in the same year. These figures include only figures for shark fins that happen to go through U.S. ports in the Pacific; the total amount of finning by foreign fishermen is undoubtedly much higher.

Although I support the legislation before us today, I am disappointed that we were not able to convince House Members and others that passage of S. 2831, the Shark Conservation Act of 2000, introduced by Senator KERRY, and supported by our subcommittee members, was the best course of action to take this year. S. 2831 attempted to address threats to shark conservation in a holistic manner. It looked beyond domestic finning, and provided the administration with tools to address finning by foreign nations as well. As a result, the current bill does not contain the strong international enforcement measures of the Shark Conservation Act. Dr. Andrew Rosenberg of the National Marine Fisheries Service, in October 1999 testimony before the House warned of the consequences of failing to impose international measures against shark finning:

... even with implementation of new U.S. management measures to prohibit shark finning, in all likelihood, foreign-flagged vessels will continue shark finning in international waters. In the absence of strict international measures to prohibit shark finning, the anticipated result of new U.S. prohibitions would be that foreign vessels will develop new shipment routes for shark fins through ports outside Hawaii.

The administration's warning should be taken seriously. When all the press releases and headlines have faded from memory, there is no doubt that foreign fleets will silently, and happily, continue—or even increase—shark finning, with no adverse repercussions to speak of. We sincerely hope that H.R. 5461 will not merely shift shark-finning and the resulting profits over to foreign nations and international corporations, with no net benefit to shark conservation. The only way to prevent this is by applying these rules to everyone. Simply enacting H.R. 5461 without addressing shark conservation internationally is short-sighted and will not solve the problem. In the next Congress, I intend to continue working with my colleagues in the Senate, House, and the new administration, whichever administration that may turn out to be, to craft a solution that will lead to the eventual cessation of finning internationally.

Although I do believe that the current bill is not as strong as it should be, I am glad to report it contains a number of provisions from the Senate bill that will lay the foundation for addressing the international fishing practices that threaten shark conservation efforts, including the practice of finning. H.R. 5461 begins the critical process of collecting the information, including data on the international

shark fin trade, that is so lacking at the present time by: (1) directing the administration to initiate or continue discussions with other countries to ban shark finning; (2) requiring the collection of information on trade in shark fins and directing the Secretary to report the findings to Congress; and (3) establishing a research program to help improve shark stock assessments, reduce incidental catch, and better utilize sharks captured legally.

Let me conclude by stating that I rise in support of this legislation and urge its adoption, but I cannot help but think of what we may have been able to accomplish with passage of Mr. KERRY's bill, S. 2831. H.R. 5461 does take an important first step to end the practice of finning, but it is only the first step—the real work is yet to come.

Mr. KERRY. Mr. President, I rise to make a few remarks in support of H.R. 5461, the Shark Finning Prohibition Act, which will the Senate has passed today and which will be forwarded to President Clinton for his signature.

H.R. 5461 is identical to a provision I authored, along with Senator SNOWE, in Senate Amendment 4320. That provision was then introduced in the House by Representative CUNNINGHAM as a stand alone bill and passed the House on October 30, 2000. I want to thank Senators HOLLINGS and SNOWE, who helped move this legislation through the Commerce Committee and the Senate. And, I thank Representative CUNNINGHAM for his work.

Shark finning is the practice of catching a shark, removing its fins and returning the remainder of the shark to the sea. It is highly wasteful practice since only a very small portion of the shark is consumed and the rest is dumped back into the sea. The National Marine Fisheries Service already prohibits shark finning in the Atlantic and Gulf of Mexico. This legislation would expand that ban into the Pacific and create a consistent national policy by amending the Magnuson-Stevens Fishery Conservation and Management Act.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to over fishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently. By ending the wasteful practice of finning, we will, I hope, protect shark populations.

However, it is important that the passage of this legislation is only the beginning of national efforts to protect sharks and their marine ecosystems.

There are other threats to sharks in addition to finning in domestic waters. These include directed fisheries, bycatch and the use of non-selective gear. And, importantly, we must recognize that shark finning takes place in foreign and international waters, not just the United States waters. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. We must tackle these issues, as well.

I want to note that in the Commerce Committee we tried to address the issue of international shark finning more aggressively and, I believe, more appropriately. Senator HOLLINGS and I introduced S. 2831, the Shark Conservation Act of 2000. This proposal would have (1) mandated that the Secretary of Commerce report to Congress on progress being made domestically and internationally to reduce shark finning; (2) established a procedure to certify whether governments have adopted shark conservation measures; (3) banned the import of sharks or shark parts from countries that do not meet these certification procedures; and (4) provided technical assistance to foreign nations in an attempt to promote compliance.

Unfortunately, this comprehensive proposal was rejected by the House. We therefore sought the middle ground of the proposal in H.R. 5461. The legislation we will pass today (1) calls on the Administration to initiate or continue discussions with other countries to ban shark finning; (2) requires the collection of information on trade in shark fins and directing the Secretary of Commerce to report the findings to Congress; and (3) establishes a research program to help improve shark stock assessments, reduce incidental catch, and better utilize shark captured legally. This is a start, but only a start. I hope that my colleagues and the advocacy groups that advocated for this proposal will continue to work for additional international conservation measures.

Finally, my bill would authorize a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

Mr. President, the United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordi-

nated international management of sharks, including an international ban on shark-finning. I look forward to working with Committee members on this important legislation.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5461) was read the third time and passed.

CONGRATULATING REVEREND CLAY EVANS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385 introduced earlier today by Senators DURBIN and FITZGERALD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 385) congratulating the Reverend Clay Evans of Chicago, Illinois, on the occasion of his retirement.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 385

Whereas the Reverend Clay Evans was ordained as a Baptist minister 50 years ago, in 1950, and founded and served as the Pastor of the Fellowship Missionary Baptist Church in Chicago, Illinois, for 49 years;

Whereas Reverend Evans has been happily married to Lutha Mae Hollinshed Evans for over 50 years, and with her is the proud parent of five children;

Whereas Reverend Evans has been responsible for helping launch the ministerial careers of 93 individuals, including 6 female ministers;

Whereas Reverend Evans received Honorary Doctorate of Divinity Degrees from Arkansas Baptist College and Brewster Theological Clinic and School of Religion;

Whereas Reverend Evans has been an active participant in the Civil Rights Movement since 1965;

Whereas Reverend Evans is the founding National Board Chairman of Operation P.U.S.H. and currently serves as its Chairman Emeritus;

Whereas Reverend Evans is Founding President of the Broadcast Ministers Alliance of Chicago, Founding President of the African American Religious Connection, Trustee Board Chairman of Chicago Baptist Institute, and Board member of the National Baptist Convention, U.S.A., Inc.;